

CULLEN & DYKMAN LLP  
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*Counsel for the Debtor*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:
In re:	: Chapter 11
	:
JOSEPH KLAYNBERG,	: Case No. 22-10165 (MG)
	:
	:
Debtor.	:
	:
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**NOTICE OF MONTHLY FEE STATEMENT FOR DEBTOR'S COUNSEL  
FOR THE MONTH OF SEPTEMBER 2022**

PLEASE TAKE NOTICE that pursuant to the Order of the Bankruptcy Court dated March 11, 2022 Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals, the Monthly Fee Statement for Debtor's Counsel for the month of September 2022 is attached hereto.

Dated: Garden City, New York  
October 13, 2022

CULLEN AND DYKMAN LLP  
*Counsel for Debtor*

By: s/ Bonnie Pollack  
Matthew G. Roseman, Esq.  
Bonnie L. Pollack, Esq.  
100 Quentin Roosevelt Boulevard  
Garden City, NY 11530  
(516) 357-3700



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Tax ID: 11-0658700

JOSEPH KLAYNBERG

October 6, 2022

## INVOICE SUMMARY

File Number: 22420

Control Number 7032105

FOR PROFESSIONAL SERVICES rendered through September 30, 2022 in connection with the matters referenced below, as more fully detailed on the attached.

Matter #	Matter Description	Fees	Costs	Total
1	GENERAL ADMINISTRATION	11,887.50	.00	11,887.50
3	ASSET DISPOSITION, SALE OR RESTRUCTURE	11,011.00	.00	11,011.00
4	RESOLUTION OF CREDITOR ISSUES	153.00	.00	153.00
8	RETENTION/PROFESSIONAL COMPENSATION/FEE	1,300.50	.00	1,300.50
9	PREPARATION FOR/ATTEND COURT HEARING	7,656.00	.00	7,656.00
10	SERVICES RELATING TO LITIGATION	535.50	.00	535.50
11	MOTION PRACTICE	32,265.50	.00	32,265.50
12	OPERATING REPORTS	306.00	.00	306.00
13	DISBURSEMENTS	.00	1,081.47	1,081.47
Total		65,115.00	1,081.47	66,196.47

TOTAL THIS INVOICE

\$ 66,196.47

FOUNDED 1850

NEW YORK NEW JERSEY WASHINGTON DC

JOSEPH KLAYNBERG

October 6, 2022

For Professional Services Rendered Through September 30, 2022:

**File Number: 22420-1**

**Control Number 7032105**

**RE: GENERAL ADMINISTRATION**

**PROFESSIONAL SERVICES**

Date	Init	Description	Hours	Amount
9/01/22	BLP	Review final periodic reports and file same	.30	229.50
9/09/22	BLP	Revise insurance exemption stipulation from Nahla	.30	229.50
9/13/22	BLP	Emails with R. Rich re insurance exemption stipulation	.20	153.00
9/14/22	BLP	Discussions with A. Thaler, A&G and M. Bunin re outcome of hearing	.50	382.50
9/14/22	BLP	Discussion with UST re hearing, trustee selection (.2); conference with MR re case going forward (.3)	.50	382.50
9/14/22	MGR	Conf w/ client and B Pollack regarding appointment of a trustee and related issues	.70	574.00
9/15/22	BLP	Comms with accountant and special counsel re trustee, case	.30	229.50
9/19/22	BLP	Emails with R. Rich re insurance stipulation (.2); emails re closing (.2)	.40	306.00
9/20/22	BLP	Review 2 court decisions	.90	688.50
9/20/22	BLP	Conferences with MR re decisions, go forward case issues, individual debtor out of possession and issues attendant to same	1.00	765.00
9/20/22	BLP	Discussion with F. Stevens re decision	.30	229.50
9/20/22	BLP	Discussion with J. Flaxer re case (.2); discussion with MR re same (.2)	.40	306.00
9/20/22	MGR	Review appointment of trustee and discuss same w/ B Pollack	.30	246.00
9/21/22	BLP	Several discussions with client re decisions, how to "operate" going forward, issues raised, questions from trustee and responses to same	1.20	918.00

JOSEPH KLAYNBERG  
22420-001-1

Control #:  
7032105  
October 6, 2022

Date	Init	Description	Hours	Amount
9/22/22	BLP	Several conferences re admin issues re bank accounts (.4); discussion with client re trustee questions and responses (.2); emails re adjournment of hearings and dates of same (.2)	.80	612.00
9/22/22	BLP	Lengthy discussion with trustee re questions posed on admin matters and other matters	.80	612.00
9/22/22	BLP	Comms with trustee re response to questions in prep of call (.3); comms with trustee re bank account transfer, gains tax issues (.3)	.60	459.00
9/22/22	BLP	Compile and send operating agreements and Laz proposal to trustee	.40	306.00
9/22/22	MGR	Conf call w/ operating trustee, Moshe and B Pollack regarding case background	.80	656.00
9/23/22	BLP	Send mediation papers to trustee (.2); comms re SSN, account, gains taxes, plan with trustee (.3); email to accountant to stop work (.1); emails re scheduling of motions (.2)	.80	612.00
9/23/22	BLP	Meet with debtor and trustee at bank (and discussion after with debtor)	.90	688.50
9/23/22	JVW	Conduct research on Chapter 11 individual debtors and spending.	2.70	756.00
9/28/22	BLP	Emails with client and trustee re Amex payment, other payments, meeting with trustee	.40	306.00
9/28/22	MGR	Review credit card statements and discuss expenses with B Pollack	.40	328.00
9/29/22	BLP	Review memo and follow up memo re use of estate property for living expenses in individual 11	.50	382.50
9/29/22	JVW	Conduct follow up research on Chapter 11 individual debtor use of estate funds	.80	224.00
9/30/22	BLP	Discussions with client and trustee re budget, payment of living expenses, case law re same	.40	306.00
TOTAL PROFESSIONAL SERVICES				\$ 11,887.50
TOTAL THIS MATTER				\$ 11,887.50

JOSEPH KLAYNBERG  
22420-001-3

Control #:  
7032105  
October 6, 2022

**RE: ASSET DISPOSITION, SALE OR RESTRUCTURE**

**PROFESSIONAL SERVICES**

Date	Init	Description	Hours	Amount
9/01/22	BLP	Continued review of documents and finalization of restrictions to transfer	3.30	2,524.50
9/01/22	BLP	Revise all sale motion documents	1.70	1,300.50
9/01/22	BLP	Discussion with client re all sale motion papers (.2); discussions with broker re process, comments, etc, (.4)	.60	459.00
9/01/22	MGR	Phone conf w/ J Hubbard of A & G Realty regarding assignment and retention issues	.40	328.00
9/01/22	MGR	Conf w/ B Pollack regarding anti assignment issues relating to minority interests	.50	410.00
9/02/22	BLP	Revise and finalize broker motion and sale motion	2.90	2,218.50
9/02/22	BLP	Discussion with broker counsel re retention motion, sales process	.20	153.00
9/02/22	MGR	Phone conf w/ J Hubbard regarding sales process	.40	328.00
9/06/22	BLP	Comms with F. Stevens re deal documents	.20	153.00
9/07/22	BLP	Several emails re Sands Point closing documents	.30	229.50
9/09/22	BLP	Review and comment on UST comments to A&G retention and emails with A&G counsel re same	.40	306.00
9/09/22	BLP	Several comms with F. Stevens and client re Sands Point closing documents, logistics of closing	.50	382.50
9/09/22	BLP	Review and comment on escrow agreement in connection with closing (.4); revise agreement per discussions re same (.3)	.70	535.50
9/09/22	BLP	Comms with F. Stevens and C. Mullin re escrow agreement provisions	.40	306.00
9/11/22	BLP	Comms re Chase payoff for closing	.20	153.00
9/12/22	BLP	Discussion with M. Bunin re questions re sales process for equity (.2); comms with F. Stevens and client re SP closing documents (.2)	.40	306.00
9/13/22	BLP	Letter to F. Stevens with all closing documents	.30	229.50
9/15/22	BLP	Discussion with Emily counsel re satisfaction, closing documents	.20	153.00

JOSEPH KLAYNBERG  
22420-001-3

Control #:  
7032105  
October 6, 2022

Date	Init	Description	Hours	Amount
9/23/22	BLP	Discussion with F. Stevens re deal documents stolen from fed ex box, resending, timing, gains taxes	.20	153.00
9/28/22	BLP	Emails directing interested equity purchaser to trustee (.1); emails re Sands Point escrow account statement for turnover (.2); emails re escrow agreement and substitution of trustee as escrow agent (.2)	.50	382.50
TOTAL PROFESSIONAL SERVICES				\$ 11,011.00
TOTAL THIS MATTER				\$ 11,011.00

JOSEPH KLAYNBERG  
22420-001-4

Control #:  
7032105  
October 6, 2022

**RE: RESOLUTION OF CREDITOR ISSUES**

**PROFESSIONAL SERVICES**

Date	Init	Description	Hours	Amount
9/01/22	BLP	Discussion with S. Rosen (counsel to M&T) re Spectra 111 loan restructure issues	.20	153.00
TOTAL PROFESSIONAL SERVICES				\$ 153.00
TOTAL THIS MATTER				\$ 153.00

JOSEPH KLAYNBERG  
22420-001-8

Control #:  
7032105  
October 6, 2022

**RE: RETENTION/PROFESSIONAL COMPENSATION/FEE**

**PROFESSIONAL SERVICES**

Date	Init	Description	Hours	Amount
9/08/22	BLP	Work on monthly fee statement	.50	382.50
9/14/22	BLP	Prepare monthly statement	.30	229.50
9/16/22	BLP	Work on fee chart and emails re July fees, august fee statements	.40	306.00
9/19/22	BLP	Prepare and file all August fee statements	.50	382.50
TOTAL PROFESSIONAL SERVICES				\$ 1,300.50
TOTAL THIS MATTER				\$ 1,300.50



JOSEPH KLAYNBERG  
22420-001-9

Control #:  
7032105  
October 6, 2022

**RE: PREPARATION FOR/ATTEND COURT HEARING**

**PROFESSIONAL SERVICES**

Date	Init	Description	Hours	Amount
9/13/22	BLP	Prepare and file hearing agenda (.4); review WT reply papers (.3)and prepare for WT hearing (.8)	1.50	1,147.50
9/13/22	BLP	Extensive preparation for hearing on trustee motion	4.30	3,289.50
9/14/22	BLP	Prepare for and attend court hearings	2.60	1,989.00
9/14/22	MGR	Pre hearing meeting w/ client and B Pollack regarding potential appointment of trustee and options/obligations of client	.50	410.00
9/14/22	MGR	Observe hearing to appoint trustee	1.00	820.00
TOTAL PROFESSIONAL SERVICES				\$ 7,656.00
TOTAL THIS MATTER				\$ 7,656.00

JOSEPH KLAYNBERG  
22420-001-10

Control #:  
7032105  
October 6, 2022

**RE: SERVICES RELATING TO LITIGATION**

**PROFESSIONAL SERVICES**

Date	Init	Description	Hours	Amount
9/22/22	BLP	Discussion with A. Thaler re trustee appointment, effect on preference action	.30	229.50
9/29/22	BLP	Emails and call with client re strategy in WT action, proposal	.40	306.00
TOTAL PROFESSIONAL SERVICES				\$ 535.50
TOTAL THIS MATTER				\$ 535.50

JOSEPH KLAYNBERG  
22420-001-11

Control #:  
7032105  
October 6, 2022

**RE: MOTION PRACTICE**

**PROFESSIONAL SERVICES**

Date	Init	Description	Hours	Amount
9/01/22	BLP	Extensive work on JK affidavit for trustee motion including review of documents for same	2.30	1,759.50
9/02/22	BLP	Work on JK affidavit in response to trustee motion	2.80	2,142.00
9/02/22	MK	Legal research regarding Judge Glenn decision on appointment of operating trustee	.60	270.00
9/04/22	BLP	Extensive work on response to trustee motion	4.80	3,672.00
9/05/22	BLP	Discussion with client re affidavit re trustee motion, questions and information for same	1.30	994.50
9/05/22	BLP	Revise JK affidavit	.50	382.50
9/05/22	BLP	Work on opposition papers including review of case law	3.30	2,524.50
9/06/22	BLP	Extensive work on opposition to trustee motion legal papers and affidavits	6.70	5,125.50
9/06/22	MGR	Review and provide comments to declaration in opposition to motion to appoint trustee and discuss same with B Pollack	1.20	984.00
9/06/22	MK	Legal research regarding trustee appointment	2.40	1,080.00
9/06/22	MK	Prepare draft summary of legal research regarding trustee appointment and existence of potential avoidable transfers	1.30	585.00
9/06/22	MK	Legal research regarding ownership of joint accounts and prepare summary of same	1.10	495.00
9/07/22	BLP	Continued extensive work on revising and finalizing trustee opposition papers	5.60	4,284.00
9/07/22	MGR	Continued review and revision to opposition papers to appointment of trustee	1.30	1,066.00
9/07/22	MK	Review and revise draft opposition to trustee motion, particularly case citations and quotations	1.50	675.00
9/09/22	MGR	Review of reply to Wilmington Trust motion for authority to file dischargeability claim	.30	246.00

JOSEPH KLAYNBERG  
22420-001-11

Control #:  
7032105  
October 6, 2022

Date	Init	Description	Hours	Amount
9/09/22	MGR	Review NAHLA reply and attached exhibits including deposition transcripts	1.20	984.00
9/11/22	BLP	Comms re use of transcript in case without ability to review and correct, etc.	.60	459.00
9/11/22	EIU	Emails with B. Pollack regarding FRCP 30(e) argument used in reply to motion to appoint trustee; legal research regarding issue, address follow up questions; brief phone conference with B. Pollack to discuss analysis and strategy to address at hearing.	2.00	1,170.00
9/12/22	BLP	Review Nahla reply re trustee motion	.60	459.00
9/12/22	BLP	Review deposition transcript attached to reply in preparation for hearing	.80	612.00
9/12/22	MGR	Discuss strategy concerning trustee motion w/ B Pollack	.30	246.00
9/13/22	MGR	Review and discuss strategy concerning motion for authority to file late dischargeability suit and related issue with claim	.30	246.00
9/13/22	MGR	Review and discuss hearing strategy w/ B Pollack (.3); discuss possible voluntary conversion of case (.3)	.60	492.00
9/14/22	MGR	Conf call w/ B Pollack and a Thaler regarding hearing and discussion regarding potential trustees and recommendation to UST	.30	246.00
9/19/22	MGR	Continued review of decision granting motion to appoint trustee and research issues regarding individual 11 and operating trustee	.80	656.00
9/20/22	MGR	Discuss decision on motion to appoint trustee w/ B Pollack	.50	410.00
TOTAL PROFESSIONAL SERVICES				\$ 32,265.50
TOTAL THIS MATTER				\$ 32,265.50

JOSEPH KLAYNBERG  
22420-001-12

Control #:  
7032105  
October 6, 2022

**RE: OPERATING REPORTS**

**PROFESSIONAL SERVICES**

Date	Init	Description	Hours	Amount
9/08/22	BLP	Review and comment on MOR	.40	306.00
TOTAL PROFESSIONAL SERVICES				\$ 306.00
TOTAL THIS MATTER				\$ 306.00

JOSEPH KLAYNBERG  
22420-001-13

Control #:  
7032105  
October 6, 2022

**RE: DISBURSEMENTS**

**DISBURSEMENTS**

Date	Description	Amount
9/07/22	COURT FEES	188.00
9/07/22	POSTAGE	838.35
9/28/22	ON-LINE RESEARCH (E106)	19.56
9/30/22	DELIVERY SERVICES/MESSENGER (E107)	35.56
TOTAL DISBURSEMENTS		\$ 1,081.47
TOTAL THIS MATTER		\$ 1,081.47
TOTAL THIS INVOICE		\$ 66,196.47



**Cullen | Dykman**

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Tax ID: 11-0658700

JOSEPH KLAYNBERG

October 6, 2022  
Control #: 7032105

**REMITTANCE**

**Client.Matter: 22420**

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**BALANCE DUE THIS INVOICE**

**\$ 66,196.47**

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Please return this page with payment to:

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Garden City, NY 11530-4850

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CULLEN & DYKMAN LLP  
Operating Account  
100 Quentin Roosevelt Blvd.  
Garden City, NY 11530-4850

**TERMS: NET 30 DAYS**

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NEW YORK

NEW JERSEY

WASHINGTON DC

### September 2022 Hours

Timekeeper Name			Year Admitt ed	Rate	Hours	Amount
Roseman, Matthew G.	Partner	Bankruptcy	1989	\$820	11.8	\$9,676.00
Pollack, Bonnie L.	Partner	Bankruptcy	1990	\$765	65.6	\$50,184.00
Usinger, Elizabeth	Partner	Bankruptcy	2008	\$585	2.0	\$1,170.00
Kwiatkowski, Michael	Of Counsel	Bankruptcy	2011	\$450	6.9	\$3,105.00
Westendorp, Julie V.	Law Clerk			\$280	3.5	\$980.00
						\$65,115.00